

Meeting Minutes  
September 28, 2006 - Prevailing Wage Advisory Committee

Attendees:

1. Prevailing Wage Advisory Committee Members: Rick Slunaker (Associated General Contractors), Kathleen Garrity (Associated Builders and Contractors), Dave Johnson (Building Construction Trades Council), Randy Dubigk (WSDOT), Linda Alexander (Benton County PUD), and Chris Elwell (Seattle/King Co. Building Trades).
2. L & I Staff: Dave Soma, Ramona Christensen-Russell, Gustavo Aviles, Christine Brown
3. Other Participants: Dan Taylor, Doug Strand, Philip Lindquist, Bob Abbott, Rick Swanson, Earl Smith, Steve Herrick, Eric Gustafson, Dave O'Meara, Bruce Chattin, Kris Alberti, Bruce Smart, Gary Fasso, Ron Roberts

Agenda Item	Discussion	Action	Due Date
Opening Remarks Introductions	The meeting was opened by Dave Soma at 9:05 a.m., and all present introduced themselves.		
Review and approve minutes from last meeting	Minutes of the June 15, 2006, meeting minutes were approved.		
Personnel Update	Dave Soma talked about the two vacancies in Prevailing Wage; the secretary supervisor and specialist positions. It's anticipated that the position for the supervisor position to be filled Tuesday, Oct 3, 2006. Interviews have been conducted for the vacant specialist position.		
<ul style="list-style-type: none"><li>Budget Update</li><li>Decision Packages</li></ul>	<p><u>Budget Update:</u> Dave Soma announced Josh Swanson's new position as the L&amp;I Legislative Liaison.</p> <p><u>Decision Packages:</u> Prevailing Wage to come in under budget. The fiscal '08 budget asked for two FTE's (1 IRA for enforcement and 1 IRA for outreach and education), and \$50,000 to fund a pilot for online wage surveys. He asked for the committee's support in passing this budget package.</p>		

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Legislative Update	<p>Dave Soma announced that there is legislation proposed by L&amp;I to provide clarification that public employees are not covered by prevailing wage laws, nor are they to be included in the survey process. He provided a FAQ handout relating to the bill.</p> <p>The committee asked that Dave Soma check with Josh Swanson to see if there have been any inquiries made as to this legislation and report that information back.</p>		
<ul style="list-style-type: none"> <li>• Scope of Work Update</li> <li>• Subcontractors on Affidavits</li> </ul>	<p><u>Scope of Work:</u> Scope subcommittee meeting this afternoon at 1:00 pm. The plan is to have the CR101 filed on 10/17/06 for the 3 finalized scopes with public hearings to be held on 11/27/06.</p> <p><u>Subcontractors on Affidavits:</u> Dave Soma stated that a subcommittee had been put together to discuss listing subcontractors on Affidavit forms and that the original subcommittee meeting had been held. However, he mentioned that the union representing carpenters and drywallers had contacted the Mexican Consulate to schedule a meeting pertaining to underground economy and wish to include Rob McKenna, Attorney General, and the director of L&amp;I, which has complicated the process. It was identified that these are two separate issues and that the forms issue needs to move forward separate from the underground economy problem. It was requested that another subcommittee meeting be set up for the subcontractors on Affidavit forms issue.</p>		

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<ul style="list-style-type: none"> <li>Process Improvement</li> </ul>	<p><u>Process Improvement:</u> Dave Soma talked about GMAP, the Governor's project. A process improvement team has been working with the program the last few months. A PowerPoint was handed out showing some of the highlights of what has transpired to-date on GMAP with the two main goals being timeliness in completing wage complaint investigations and in the issuance of determinations. Dave stated that the program's current scorecard goal is to complete 70% of the investigations in 180 days. The committee noted that they had never seen the Mission Statement shown on the first slide. It was also stated that they would like to see a brief synopsis on each of the categories listed on the GMAP study. The committee also noted that from the list, it shows that L&amp;I is being more pro-active, which is a step in the right direction. Dave told the committee that the wage complaint centralized intake portion of the identified process improvement study was being put on hold for 6 months; however, the Service Level Agreement that is being formulated between central office and the field may impact upon this central intake issue. The pilot project for issuing 5 NOVs against subcontractors if the prime contractor has to pay the worker's wages was discussed by Dave Soma and Ramona Christensen-Russell. L&amp;I wants to look at the resources and costs associated with doing these NOVs.</p>		

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<ul style="list-style-type: none"> <li>• Determinations</li> <li>• Outreach and Education</li> </ul>	<p><u>Determinations:</u> Dave passed out copies of the 12 determination letters that have been issued in 2006. He has instituted new procedures for determinations. There is a tracking system, more staff assigned to assist in writing determinations (1.5 when the program is fully staffed), but he will still sign them, along with giving a 2 week suspense date to parties wishing to provide input on determinations. Priority goes to IRA's for determinations. The committee asked where L&amp;I is at on the cataloging project for determination letters. Dave replied that we have done as far back as 1999, but there just isn't staff available to work on this project at this time. Ron Roberts wanted the minutes to reflect that he made a Public Disclosure Request on August 18, 2006, requesting copies of all determination letters issued by L&amp;I. Dave Soma stated that we are working on that voluminous request.</p> <p><u>Outreach and Education:</u> David Soma stated about 29 live trainings have been done by the Specialists since April 2005. Due to small awarding agencies and contractors not being able to attend, L&amp;I is in the process of creating an interactive, online PowerPoint seminar that will be available on our website. Hopefully, it will be completed by January 2007. Ramona Christensen-Russell talked about the Calendar of Events handout showing L&amp;I's scheduled Contractor Training Days and mentioned that anyone could contact Shari Purves-Reiter to set up any specialized training they were interested in.</p>		

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<ul style="list-style-type: none"> <li>GA Turnkey</li> <li>Legal Update</li> <li>Surveys</li> </ul>	<p><u>GA Turnkey:</u> Dave Soma stated that by and large comments have been positive on the MOU. There are regularly scheduled meetings with GA and L&amp;I to continue to refine this issue. The committee did mention that they had no opportunity to provide input as to this document prior to finalization, plus there is a concern with section IV as it appears to set out a different procedure for certified payrolls than what is contained in the prevailing wage law.</p> <p><u>Legal Update:</u> Dave Soma discussed the Legal Review handout which contained a brief summary of some cases under legal review by L&amp;I. He mentioned that L&amp;I's revision of -018 was on hold until we receive the court's decision on Silverstreak.</p> <p><u>Surveys:</u> Gustavo Aviles provided survey handouts in each packet. He stated that the methodology is based on WAC 296-127-019 and past experience. The committee and audience members stated that the deadline stated in the survey of 11/17/06 is not acceptable and more time needs to be allowed. They recommended 3 months advance notice of the impending survey so employers could prepare for it. Dave Soma stated he would do his best to push the date to respond back to 12/29/06 with the results to be published in August 2007, but that he would keep to the schedule set by Gustavo for the rest of the survey cycles. The committee made a motion for the extension to 12/29/06 for the survey responses with publication to take place August 2007, and it was unanimously passed</p>		

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Dates and location for upcoming meetings	Next PWAC committee meeting scheduled at the department's Tumwater office on December 14, 2006, in Room S118, from 9:00 a.m. – 11:30 a.m. The Scope of Work subcommittee will meet in the same room from 1:00 p.m. to 3:00 p.m.		